

DECLARATION OF KAREN D. POLK

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I am over the age of eighteen years and am not a party to this case. If called upon to testify I could and would do so competently. I am employed as a Supervisory Paralegal Specialist by the Office of the United States Trustee for the Central District of California, in the Los Angeles Field Office. I am the Analyst assigned to *In re Leslie Klein*, (“Debtor”) Case No. **2:23-bk-10990-SK**. I have personal knowledge of the facts set forth herein, and based on that personal knowledge I assert that all such facts are true and correct to the best of my knowledge.

I am familiar with the procedures of the United States Trustee for maintaining paper and electronic submissions by debtors of the requirements of the United States Trustee for Chapter 11 debtors. These procedures include the routine maintenance of paper and electronic submissions by debtors in electronic files that are maintained for each Chapter 11 case in order for the United States Trustee to discharge his statutory duties. I have reviewed the files and electronic records of the United States Trustee for his case, as well as the Court docket, and have included the results of my review in this declaration.

As of today, the Debtor has continued to fail to comply with the requirements of the United States Trustee Chapter 11 Notices and Guides, Bankruptcy Code and/or Local Bankruptcy Rules. The United States Trustee procedure related to processing compliance is stated in it Notice and Guides: Within seven days of the date the petition is filed, the case is converted, or an order for relief is entered, the debtor must electronically submit a package of required documents (the “Attorney’s 7 Day Package”) to the U.S. Trustee at ustp.region16.ch11@usdoj.gov. Documents directed to any other mailbox or address will be disregarded. Service of the 7 Day Package directly upon U.S. Trustee personnel will NOT CONSTITUTE FILING of 7 Day Package requirements and will be disregarded.” (emphasis in the original).

I. Compliance due date related submitting to the United States Trustee Guidelines and Requirements for Chapter 11 Debtor -in-possession: March 1, 2023

Case filing date: February 22, 2023

Initial Debtor Interview: March 6, 2021

Meeting of Creditors: 3/13/2023

1 **II. Compliance submissions by Debtor: March 1, 2023 and March 8, 2023**

2 The United States Trustee has not received submissions of the following documents:

3 **A. Bank Accounts**

4 1. Declaration that the prepetition account at Bank of America (account ending in
5 #9041 per Schedule A/B) **and any other accounts that Debtor has an interest in**, have been
6 closed. In the March 1, 2023 Submission, Debtor stated that “Debtor is in the process of closing the
7 account”. In the March 8, 2023 Submission, Debtor provided an undated “Account Closing
8 Summary”, in which the Debtor appears to have left a balance to cover outstanding transactions.
9 Debtor did not attach the referenced page 2 of the Account Closing Summary, which would
10 disclose these open transactions and the amount left in the account to cover these items. Thus,
11 Debtor is not in compliance with this requirement.

12 2. The closing or final bank statement for all pre-petition bank accounts have not been
13 submitted.

14 3. Voided imprinted D-I-P checks of opened post-petition bank accounts.

15 **B. Real Property Questionnaires**

16 Debtor lists interest in eight different real properties on his Schedule A/B and in his
17 March 1, 2023 Submission (only submitted a questionnaire for the Poinsettia property). An
18 additional two Real Property Questionnaires were included in the March 8, 2023 Submission.
19 Therefore, as of this date, the following Real Property Questionnaires have not been submitted:

- 20 1. 143 S. Highland Drive, Los Angeles
21 2. 2560 Whitewater Club Drive, Palm Springs
22 3. 3752 Ocean Drive, Oxnard
23 4. Leonardo Plaza Hotel, Jerusalem
24 5. Dan Boutique Hotel, Jerusalem

25 In addition, on March 3, 2023, a relief from stay motion was filed relating to property on
26 Ventura Boulevard, Sherman Oaks (Doc 26). To the extent Debtor has an interest in that property,
27 a Real Property Questionnaire is needed.

28 Of the three Real Property Questionnaires submitted, Debtor provides incomplete

1 information in the Section Two: Financial Status of the Property for the Poinsettia and Martel
2 properties (no maturity date of the loan, no date of last payment, and no information regarding the
3 number of delinquencies). Section Six of the Poinsettia questionnaire does not provide insurance
4 information. Section One D of the Martel questionnaire does not disclose the purchase price.

5 **C. Insurance Coverage**

6 The insurance section in the March 1, 2023 Submission (section 3) is blank. No
7 declaration pages were included with the March 1, 2023 Submission. Debtor included liability
8 insurance declaration pages for real property and the two automobiles with the March 8, 2023
9 Submission, except for:

- 10 1. 2560 Whitewater Club Drive, Palm Springs
11 2. Leonardo Plaza Hotel, Jerusalem
12 3. Dan Boutique Hotel, Jerusalem

13 In addition, the United States Trustee needs to be added additional interested party on
14 each and every policy.

15 **D. Tax returns**

16 The tax return section on the March 1, 2023 Submission (section 10) is blank. However,
17 there is a statement as an appendix that "On March 1, 2023, Debtor requested the most recent tax
18 returns from Debtors accountant. Debtor will submit upon receipt". No tax returns were submitted
19 at the Initial Debtor Interview and with the March 8, 2023 Submission.

20 **E. Other Deficiencies**

21 Debtor has not provided a Cash Flow Statement for the first 90 days. Debtor has not
22 provided proof of recording of the chapter 11 petition with each county that the property is located.
23 Although Debtor has indicated in the March 1, 2023 Submission that it would mail the certified
24 petition to Los Angeles, Riverside and Ventura County recorder offices by March 3, 2023.

25 I declare under penalty of perjury that the foregoing is true and correct and that this
26 declaration was executed on 03/09, 2023 date at Las Vegas, NV.

27 Karen D. Polk
28 Karen D. Polk

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
915 Wilshire Boulevard, Suite 1850, Los Angeles, California 90017

A true and correct copy of the foregoing document entitled (*specify*): RESPONSE TO STATUS REPORT FILED BY DEBTOR RE: U.S. TRUSTEE COMPLIANCE; DECLARATION OF KAREN D. POLK will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 3/10/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Michael Jay Berger (Debtor's counsel) michael.berger@bankruptcypower.com,
yathida.nipha@bankruptcypower.com;michael.berger@ecf.inforuptcy.com
Greg P Campbell chl1ecf@aldridgepите.com, gc@ecf.inforuptcy.com;gcampbell@aldridgepите.com
Theron S Covey tcovey@raslg.com, sferry@raslg.com
Dane W Exnowski dane.exnowski@mccalla.com, bk.ca@mccalla.com,mccallaecf@ecf.courtdrive.com
Michael Jones michael.jones4@usdoj.gov
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Joshua L Scheer jscheer@scheerlawgroup.com, jscheer@ecf.courtdrive.com
Mark M Sharf (TR) mark@sharflaw.com, C188@ecfcbis.com;sharf1000@gmail.com
United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
Michael L Wachtell mwachtell@buchalter.com
John P. Ward jward@attleseystorm.com, ezhang@attleseystorm.com
Paul P Young paul@cym.law, jaclyn@cym.law

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

None

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Judge's copy temporarily suspended under General Order 20-02, as updated by General Order 23-01

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

3/10/2023

Date

Ron Maroko

Printed Name

/s/ Ron Maroko

Signature